

IN SENATE OF THE UNITED STATES.

JULY 25, 1842.

Ordered to be printed.

Mr. GRAHAM submitted the following

REPORT:

*The Committee of Claims, to whom were referred certain documents relating to the claim of Hiram H. and William T. Lewis, for horses alleged to have been lost in the military service of the United States, report:*

That, admitting the facts as set forth by the claimants, the committee are of opinion that no compensation is due to them. A letter from the Third Auditor of the Treasury to the claimants, which is appended to, and made a part of this report, shows that the United States received the claimants into service upon the express agreement that they were to find their own forage, and to serve in the dragoon service at one dollar per day. Although the Government is accustomed to pay for horses lost by its failure to supply forage where it is bound to furnish forage, the stipulations under which the claimants served relieves the United States from any indemnity as regards them, and the committee therefore report the following resolution, to wit:

*Resolved,* That the prayer of the petitioners ought not to be granted.

TREASURY DEPARTMENT,  
*Third Auditor's Office, October 7, 1837.*

SIRS: I herewith return the deposition of Lieutenant John Gibson, and the joint deposition made by you in relation to the loss of your horses while serving in Captain Lemuel Ford's company of United States rangers. According to the testimony of Lieutenant Gibson, the losses were sustained by the horses having been turned out to graze, the United States not furnishing forage, and it being out of the power of the members of the company to procure any. The law of June 15, 1832, under which the company was raised, authorized the President of the United States to raise, either by acceptance of volunteers or enlistment for one year, unless sooner discharged, six hundred mounted rangers, to be armed, equipped, mounted, and organized, in such manner, and to be under such regulations and restrictions as the nature of the service might, in his opinion, make necessary. And the law provided that the non-commissioned officers and privates should arm and equip themselves, unless otherwise ordered by the President, and provide their own horses, and should be allowed each \$1 per day, as a full compensation for their services and the use of their arms and horses. On the day next after

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the passage of the law, an authority for raising rangers appears to have been given through the Department of War to Captain Ford and to other officers, and in which regulations as to the organizing, arming, equipping, and providing them, are laid down. One of these is in the following words: "Rations will be furnished to the men at the expense of the United States, but forage will be found by themselves, or if provided by the United States, will be charged to the men." The rangers are shown by the rolls to have received compensation at \$1 per day, as allowed by the law, and they had, as already indicated, to find their forage themselves. Although in the law I have to administer there is a provision authorizing payment for horses lost in consequence of their having been turned out to graze, it is limited to cases in which they had been so turned out *because the United States failed to supply sufficient forage*.

In cases where they were under no liability to supply forage there could be no failure on their part in not supplying it, and on this ground the claims of rangers for losses attributable to the non-supply of forage are not allowable by me.

Respectfully, your most obedient servant,

P. HAGNER, Auditor.

Messrs. HIRAM H. LEWIS and

WILLIAM T. LEWIS,

Indianapolis, Indiana.